

Frank Liu
304 S. Jones Blvd #3416
Las Vegas, NV 89107
818-835-0498
frank.liu.96@gmail.com
Pro Se Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p>Frank Liu Plaintiff, vs. The Nielsen Company (US) LLC and TNC US HOLDINGS Defendants.</p>	<p>Case #1:22-cv-09084-JHR-OTW EXHIBIT 1 in Support of Plaintiff's Motion for an Extension of Time to File a Proposed Case Management Plan and Agenda</p>
--	--

EXHIBIT 1



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>

Fri, Apr 25, 2025 at 11:21 AM

To: "Spangler, Cardelle" <cspangler@winston.com>, "Hu, Winston" <whu@winston.com>

Ms. Spangler,

What is a good day and time for you to confer with me regarding the joint proposed agenda that is due by May 7?

Please let me know. Thank you.



Gmail

F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>

To: "Spangler, Cardelle" <cspangler@winston.com>, "Hu, Winston" <whu@winston.com>

Tue, Apr 29, 2025 at 10:29 AM

Ms. Spangler,

Please get back to me.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Spangler, Cardelle <CSpangler@winston.com>
To: F L <frank.liu.96@gmail.com>, "Hu, Winston" <WHu@winston.com>

Wed, Apr 30, 2025 at 8:00 AM

Mr. Liu,

Please send us your proposed agenda. We will review and provide our proposed edits/additions. We then can determine if there is need for a call. Thanks.

Cardelle

[Quoted text hidden]

The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.

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F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Spangler, Cardelle" <CSpangler@winston.com>
Cc: "Hu, Winston" <WHu@winston.com>

Wed, Apr 30, 2025 at 8:09 AM

Ms. Spangler,

It is a joint proposed agenda that is due on May 7. I request to confer to see if we can reach an agreement on the terms that works for the parties. I am not a mind reader and do not know what terms your clients want.

I do not currently have a proposed agenda because it is supposed to be a "joint" proposed agenda, and I believe we need to confer in good faith to see if the parties can reach an agreement for a discovery plan. Should Defendants refuse to confer, I will let the Court know via a letter so perhaps the Court can intervene and compel the parties to confer in good faith.

Please get back to me as soon as possible when we can confer.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Hu, Winston <WHu@winston.com>
To: F L <frank.liu.96@gmail.com>
Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Mon, May 5, 2025 at 12:04 PM

Good afternoon Frank,

Thanks for your e-mail. The following is our preliminary, proposed agenda for the May 14 conference:

1. Status of settlement discussions
2. Status of pro bono counsel for Plaintiff, including Defendant's position that discovery should be stayed until such appointment.
3. Discovery procedure and schedule after appointment of pro bono counsel for Plaintiff

Please let us know if you have any topics you'd like to propose as well.

Many thanks,

Winston

Winston Hu

Associate Attorney

Winston & Strawn LLP

T: +1 213-615-1700

D: +1 213-615-1738

M: +1 415-317-5066

F: +1 213-615-1750

winston.com



[Quoted text hidden]



Gmail

F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>

Mon, May 5, 2025 at 12:36 PM

To: "Hu, Winston" <WHu@winston.com>

Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Mr. Hu,

When can we confer?

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>

Mon, May 5, 2025 at 12:43 PM

To: "Hu, Winston" <WHu@winston.com>

Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Ms. Spangler,

Since you are the lead attorney, please let me know when we can confer as soon as possible.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Spangler, Cardelle <CSpangler@winston.com>
To: F L <frank.liu.96@gmail.com>, "Hu, Winston" <WHu@winston.com>

Mon, May 5, 2025 at 1:14 PM

Mr. Liu,

First, Mr. Hu is authorized to discuss this matter with you. Second, there is not anything to confer about until we receive your draft agenda. Once we receive it, we will determine if a call is necessary. Thank you.

Cardelle

From: F L <frank.liu.96@gmail.com>
Sent: Monday, May 5, 2025 2:43:55 PM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: FW: Confer call for joint proposed agenda

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Spangler, Cardelle" <CSpangler@winston.com>
Cc: "Hu, Winston" <WHu@winston.com>

Mon, May 5, 2025 at 2:29 PM

Ms. Spangler and Mr. Hu,

I would like to confer with one of you **as soon as possible** regarding the following:

1. Because no pro bono lawyer has reached out to Plaintiff to represent him for this lawsuit so far, Plaintiff proposes discovery to start following the May 14, 2025 Status Conference (even if Plaintiff does not have a lawyer representing him). Plaintiff believes 270 days to conduct discovery would be ideal, so proposes discovery be allowed to begin following the May 14, 2025 status conference, and for discovery to last until Monday, Feb. 9th, 2026. Plaintiff requests if depositions are scheduled, they are conducted virtually via Zoom, Google Hangouts, or a similar service.
2. Regarding status of settlement discussions, prior to the April 23, 2025 pre-settlement conference calls, Plaintiff and Mr. Hu have conferred for several hours regarding the topic of settlement. On April 12, Mr. Hu requested Liu email Mr. Hu an Option A and Option B offer, which Plaintiff did so. On April 23 the parties attended the pre-settlement conference calls with Judge Wang. To date, Mr. Hu has not responded back to Liu's emailed Option A and Option B offers. Due to these circumstances, Plaintiff does not believe an amicable and fair resolution can be reached between the parties, so the lawsuit should progress to discovery because settlement does not seem possible.
3. Because Defendants allege in their ECF 135 filing that equitable estoppel was granted to Plaintiff, and Plaintiff believes equitable tolling was granted, Plaintiff would like the Court to clarify which was granted so there is no confusion between the parties.
4. Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)

Ms. Spangler and/or Mr. Hu, please get back to me **as soon as possible** with a date and time that I can confer with one of you.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Hu, Winston <WHu@winston.com>

To: F L <frank.liu.96@gmail.com>, "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 11:38 AM

Hi Frank,

We've prepared the attached draft joint proposed agenda for your review. Please let us know your edits/changes and/or if we have your permission to file.

Thanks,

[Quoted text hidden]

2 attachments

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Liu - Joint Proposed Agenda for May 14 Conference(21312688.1).docx
44K

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Frank Liu)
Plaintiff,)
v.) Case No. 1:22-cv-09084-JHR-OTW
The Nielsen Company (US) LLC, et al.,) Judge Jennifer H. Rearden
Defendants.)
)

JOINT PROPOSED AGENDA FOR MAY 14, 2025 STATUS CONFERENCE

Pursuant to this Court's order dated April 23, 2025 (ECF No. 146), the undersigned parties jointly submit the below proposed agenda for the upcoming May 14, 2025 status conference.

1. Status of *Pro Bono* Counsel for Plaintiff and Discovery Procedure

a. Plaintiff's Position. Discovery should begin following the May 14, 2025 status conference, regardless of whether he has obtained *pro bono* counsel by then. Discovery should run for 270 days, beginning on May 14, 2025 and closing on February 9, 2026.

b. Defendants' Position. Discovery should be stayed until Plaintiff has secured *pro bono* counsel and such counsel has filed a notice of appearance in this case. Once the stay is lifted, discovery should begin in accordance with the Federal Rules of Civil Procedure.

2. Status of Settlement Discussions

a. Plaintiff's Position. Plaintiff does not believe a settlement can be reached between the parties at this time.

b. Defendants' Position. Defendants are amenable to continuing settlement discussions with Plaintiff after he secures *pro bono* counsel.

3. Other Matters

- a. Defendants' Position. None.
- b. Plaintiff's Position. Plaintiff further wishes to discuss questions related to "equitable estoppel" and "equitable tolling" and Defendants' compliance with the Court's Order regarding production of Plaintiff's worker's compensation files.

Dated: Chicago, Illinois
May 7, 2025

Respectfully submitted,

By:

Frank Liu
304 S. Jones Blvd #3416
Las Vegas, NV 89107
(818) 835-0498
Frank.liu.96@gmail.com

Pro Se Plaintiff

By:

Cardelle Spangler (admitted *pro hac vice*)
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, Illinois 60601
(312) 558-5600
CSpangler@winston.com

*Attorney for Defendants
TNC US Holdings
The Nielsen Company (US) LLC*



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Hu, Winston" <WHu@winston.com>
Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 11:44 AM

Mr. Hu and/or Ms. Spangler,

Is there a good time later today to confer?

Please let me know. Thank you

[Quoted text hidden]

2 attachments



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F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Hu, Winston <WHu@winston.com>
To: F L <frank.liu.96@gmail.com>
Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 11:52 AM

Hi Frank,

We've incorporated your suggested agenda items into the attached. To the extent you'd like to make any edits or additions, feel free to do so directly in the document for us to consider. Once the attached is finalized and we have your approval to file, we'll get it on file with the court. We don't see any other issues we'll need to confer about at this time.

[Quoted text hidden]

2 attachments

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Liu - Joint Proposed Agenda for May 14 Conference(21312688.1).docx
44K

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Frank Liu)
Plaintiff,)
v.) Case No. 1:22-cv-09084-JHR-OTW
The Nielsen Company (US) LLC, et al.,) Judge Jennifer H. Rearden
Defendants.)
)

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b. Defendants' Position. Discovery should be stayed until Plaintiff has secured *pro bono* counsel and such counsel has filed a notice of appearance in this case. Once the stay is lifted, discovery should begin in accordance with the Federal Rules of Civil Procedure.

2. Status of Settlement Discussions

a. Plaintiff's Position. Plaintiff does not believe a settlement can be reached between the parties at this time.

b. Defendants' Position. Defendants are amenable to continuing settlement discussions with Plaintiff after he secures *pro bono* counsel.

3. Other Matters

- a. Defendants' Position. None.
- b. Plaintiff's Position. Plaintiff further wishes to discuss questions related to "equitable estoppel" and "equitable tolling" and Defendants' compliance with the Court's Order regarding production of Plaintiff's worker's compensation files.

Dated: Chicago, Illinois
May 7, 2025

Respectfully submitted,

By:

Frank Liu
304 S. Jones Blvd #3416
Las Vegas, NV 89107
(818) 835-0498
Frank.liu.96@gmail.com

Pro Se Plaintiff

By:

Cardelle Spangler (admitted *pro hac vice*)
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, Illinois 60601
(312) 558-5600
CSpangler@winston.com

*Attorney for Defendants
TNC US Holdings
The Nielsen Company (US) LLC*



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Hu, Winston" <WHu@winston.com>
Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 12:02 PM

Mr. Hu,

I think you left out the part regarding: "Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)"

I hope you and Ms. Spangler can agree that I have tried several times to set up a day and time to confer. Moreover, I would like to confer with either you or Ms. Spangler regarding a recent development. Can I please confer with one of you today, if that is OK?

Please let me know as soon as possible today when either you or Ms. Spangler can confer with me. Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Hu, Winston <WHu@winston.com>

To: "Spangler, Cardelle" <CSpangler@winston.com>, F L <frank.liu.96@gmail.com>

Wed, May 7, 2025 at 12:57 PM

Hi Frank,

The last item on the agenda ("Other Matters") includes your request to discuss Defendants' compliance with the Court's Order regarding production of your worker's compensation files

Other Matters

- a. Defendants' Position. None.
- b. Plaintiff's Position. Plaintiff further wishes to discuss questions related to "equitable estoppel" and "equitable tolling" and Defendants' compliance with the Court's Order regarding production of Plaintiff's worker's compensation files.

Let me know if that is sufficient for you or if you'd like to make any edits to that language. If you're fine with the language, please confirm we have your approval to file.

Regarding your request to further meet and confer, can you give us a brief description of what the "recent development" entails so that we can properly assess whether a meet and confer call is required?

[Quoted text hidden]

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F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
 To: "Hu, Winston" <WHu@winston.com>
 Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 2:22 PM

Mr. Hu,

Respectfully, I will assume you played a part in drafting the joint proposed agenda document because you emailed it to me. You re-worded and condensed the topic in a way that appears to suggest I had questions about Defendants' compliance. The wording stripped out the details in what I originally wrote, such as Nielsen's refusal to provide Plaintiff the Sedgwick NJ workers' compensation claim notes. There is no question that Defendants are continuing to refuse to fully comply with Court Order ECF 106.

If you can recall, on March 10, 2025, you left me a voice message requesting I speak with you regarding Defendants' pending motion to continue the stay of discovery. After receiving the voice message, I treated you with respect by promptly calling you back that very same day.

If you recall, I did agree to your request to continue the stay of discovery until April 23, 2025. Moreover, on the call, I brought up the subject that Defendants have not fully complied with the court order granting my motion to compel. You asked me to email you about it. On March 12, I forwarded you an email that was previously sent to Ms. McCann and Ms. Spangler regarding the subject. Here is a screenshot of the email:

F L <frank.liu.96@gmail.com> to whu ▾
 Hi Winston,
 I got your voice message. I tried to forward this email on March 10 during our call. Hopefully this email works now.
 Thank you.

 ----- Forwarded message -----
 From: F L <frank.liu.96@gmail.com>
 Date: Fri, Sep 6, 2024, 4:39 PM
 Subject: Re: Regarding ECF 105, and if Defendants will provide me my Sedgwick NJ Workers Compensation Files now
 To: McCann, Caitlin <CMcCann@winston.com>
 Cc: Spangler, Cardelle <CSpangler@winston.com>
 Ms. McCann,
 I believe there are documents in Defendants' possession regarding my workers compensation claims that were not included in the PDF that Ms. Ann Newman emailed to me on August 23, 2024.
 As a reminder, the Court Order (ECF 106) states, "Defendants are directed to produce to Plaintiff his worker's compensation files in their possession by August 23, 2024."

Mr. Hu, I believe you left out important details in the joint proposed agenda compared to what I had written on May 5, 2025:

4. Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)

Despite my numerous attempts to confer in good faith, it has become clear that perhaps you and/or Ms. Spangler never intended to confer with me at all. This is unfortunate, especially when I reached out on April 25, 2025 to set up a day and time to confer. It is now May 7, 2025.

Perhaps Nielsen's attorneys believe they alone have the power to decide when conferral is needed or not.

Spangler, Cardelle

to me, Winston ▾

Mr. Liu,

Please send us your proposed agenda. We will review and provide our proposed edits/additions.

We then can determine if there is need for a call. Thanks.

Cardelle

...

Spangler, Cardelle

to me, Winston ▾

Mr. Liu,

First, Mr. Hu is authorized to discuss this matter with you. Second, there is not anything to confer about until we receive your draft agenda. Once we receive it, we will determine if a call is necessary. Thank you.

Cardelle

Hu, Winston

to me, Cardelle ▾

Hi Frank,

We've incorporated your suggested agenda items into the attached. To the extent you'd like to make any edits or additions, feel free to do so directly in the document for us to consider. Once the attached is finalized and we have your approval to file, we'll get it on file with the court. We don't see any other issues we'll need to confer about at this time.

Respectfully, I do not appreciate the way you and Ms. Spangler are treating me. It does appear you are running out the time (due date is today), and never had any intention to confer with me.

Your last email requested I tell you what the recent development is so that you and Ms. Spangler can properly access whether a meet and confer call is required. Here is a screenshot:

Regarding your request to further meet and confer, can you give us a brief description of what the "recent development" entails so that we can properly assess whether a meet and confer call is required?

Mr. Hu, I wanted to confer with either you or Ms. Spangler in good faith. I do not agree to your proposed joint agenda. It is clear that Defendants aren't treating me with the same respect I treat you. I am going to speak to attorneys tomorrow. Feel free to file whatever you want to file as a separate proposed agenda because you do not have my consent to file what you have drafted.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

Hu, Winston <WHu@winston.com>
To: F L <frank.liu.96@gmail.com>
Cc: "Spangler, Cardelle" <CSpangler@winston.com>

Wed, May 7, 2025 at 2:37 PM

Hi Frank,

Thanks for your e-mail. However, it's unclear from your message what issue(s) you're requesting to meet and confer about, if any. To the extent there are any issues, please let us know what they are so that we can properly assess them and be prepared for a meet and confer call, if one is necessary.

Separately, we provided you the draft proposed agenda in word format such that you can edit and revise the language under your position as you see fit. While we disagree with your contention that Defendants have not complied with the court's orders, we do not object to your proposal to add this topic to the agenda for the May 14 hearing. In any case, from your email below, we understand now that you prefer to file your own agenda instead of providing edits/revisions to the draft proposal we previously forwarded to you. We will go ahead and file a separate proposed agenda in accordance with the court's order.

Thanks again,

Winston

Winston Hu

Associate Attorney

Winston & Strawn LLP

T: +1 213-615-1700

D: +1 213-615-1738

M: +1 415-317-5066

F: +1 213-615-1750

winston.com



From: F L <frank.liu.96@gmail.com>
Sent: Wednesday, May 7, 2025 2:23 PM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: Confer call for joint proposed agenda

Mr. Hu,

Respectfully, I will assume you played a part in drafting the joint proposed agenda document because you emailed it to me. You re-worded and condensed the topic in a way that appears to suggest I had questions about Defendants' compliance. The wording stripped out the details in what I originally wrote, such as Nielsen's refusal to provide Plaintiff the Sedgwick NJ workers' compensation claim notes. There is no question that Defendants are continuing to refuse to fully comply with Court Order ECF 106.

If you can recall, on March 10, 2025, you left me a voice message requesting I speak with you regarding Defendants' pending motion to continue the stay of discovery. After receiving the voice message, I treated you with respect by promptly calling you back that very same day.

If you recall, I did agree to your request to continue the stay of discovery until April 23, 2025. Moreover, on the call, I brought up the subject that Defendants have not fully complied with the court order granting my motion to compel. You asked me to email you about it. On March 12, I forwarded you an email that was previously sent to Ms. McCann and Ms. Spangler regarding the subject. Here is a screenshot of the email:

F L <frank.liu.96@gmail.com> Wed, Mar 12, 3:48 PM ☆ ☺ ↵ :
 to whu ▾
 Hi Winston,
 I got your voice message. I tried to forward this email on March 10 during our call. Hopefully this email works now.
 Thank you.

 ----- Forwarded message -----
 From: F L <frank.liu.96@gmail.com>
 Date: Fri, Sep 6, 2024, 4:39 PM
 Subject: Re: Regarding ECF 105, and if Defendants will provide me my Sedgwick NJ Workers Compensation Files now
 To: McCann, Caitlin <CMcCann@winston.com>
 Cc: Spangler, Cardelle <CSpangler@winston.com>

Ms. McCann,
 I believe there are documents in Defendants' possession regarding my workers compensation claims that were not included in the PDF that Ms. Ann Newman emailed to me on August 23, 2024.
 As a reminder, the Court Order (ECF 106) states, "Defendants are directed to produce to Plaintiff his worker's compensation files in their possession by August 23, 2024."

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4. Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)

Despite my numerous attempts to confer in good faith, it has become clear that perhaps you and/or Ms. Spangler never intended to confer with me at all. This is unfortunate, especially when I reached out on April 25, 2025 to set up a day and time to confer. It is now May 7, 2025.

Perhaps Nielsen's attorneys believe they alone have the power to decide when conferral is needed or not.

Spangler, Cardelle
to me, Winston ▾

Apr 30, 2025, 8:00 AM (7 days ago) ☆ ☺ ⏪ ⏴

Mr. Liu,

Please send us your proposed agenda. We will review and provide our proposed edits/additions.
We then can determine if there is need for a call. Thanks.

Cardelle
...

Spangler, Cardelle
to me, Winston ▾

May 5, 2025, 1:14 PM (2 days ago) ☆ ☺ ⏪ ⏴

Mr. Liu,

First, Mr. Hu is authorized to discuss this matter with you. Second, there is not anything to confer about until we receive your draft agenda. Once we receive it, we will determine if a call is necessary. Thank you.

Cardelle

Hu, Winston
to me, Cardelle ▾

11:52 AM (2 hours ago) ☆ ☺ ⏪ ⏴

Hi Frank,

We've incorporated your suggested agenda items into the attached. To the extent you'd like to make any edits or additions, feel free to do so directly in the document for us to consider. Once the attached is finalized and we have your approval to file, we'll get it on file with the court. We don't see any other issues we'll need to confer about at this time.

...

Respectfully, I do not appreciate the way you and Ms. Spangler are treating me. It does appear you are running out the time (due date is today), and never had any intention to confer with me.

Your last email requested I tell you what the recent development is so that you and Ms. Spangler can properly access whether a meet and confer call is required. Here is a screenshot:

Regarding your request to further meet and confer, can you give us a brief description of what the "recent development" entails so that we can properly assess whether a meet and confer call is required?

[Quoted text hidden]
[Quoted text hidden]

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F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Hu, Winston" <WHu@winston.com>

Wed, May 7, 2025 at 3:07 PM

Mr. Hu,

Back on April 25, I reached out to Ms. Spangler requesting to confer about the joint proposed agenda. You were included in the email.

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
to Cardelle, Winston ▾

Ms. Spangler,

What is a good day and time for you to confer with me regarding the joint proposed agenda that is due by May 7?

Please let me know. Thank you.

Despite my numerous attempts to confer, no confer has taken place. It just seems like Defendants intentionally ran out the clock for me. I guess I might request the Court to see if they will grant me an extension to file a separate proposed agenda.

The recent development is that I'm going to speak to attorneys tomorrow. This case is important to me and has been for a long time. I would have appreciated conferring with one of you, instead of all this pushback.

Thank you.

[Quoted text hidden]



F L <frank.liu.96@gmail.com>

Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
To: "Spangler, Cardelle" <cspangler@winston.com>

Wed, May 7, 2025 at 3:11 PM

----- Forwarded message -----

From: F L <frank.liu.96@gmail.com>
Date: Wed, May 7, 2025 at 3:07 PM
Subject: Re: Confer call for joint proposed agenda
To: Hu, Winston <WHu@winston.com>

Mr. Hu,

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Confer call for joint proposed agenda

F L <frank.liu.96@gmail.com>
to Cardelle, Winston ▾

Fri, Apr 25, 11:21 AM (12 days ago)

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Ms. Spangler,

What is a good day and time for you to confer with me regarding the joint proposed agenda that is due by May 7?

Please let me know. Thank you.

Despite my numerous attempts to confer, no confer has taken place. It just seems like Defendants intentionally ran out the clock for me. I guess I might request the Court to see if they will grant me an extension to file a separate proposed agenda.

The recent development is that I'm going to speak to attorneys tomorrow. This case is important to me and has been for a long time. I would have appreciated conferring with one of you, instead of all this pushback.

Thank you.

On Wed, May 7, 2025 at 2:37 PM Hu, Winston <WHu@winston.com> wrote:

Hi Frank,

Thanks for your e-mail. However, it's unclear from your message what issue(s) you're requesting to meet and confer about, if any. To the extent there are any issues, please let us know what they are so that we can properly assess them and be prepared for a meet and confer call, if one is necessary.

Separately, we provided you the draft proposed agenda in word format such that you can edit and revise the language under your position as you see fit. While we disagree with your contention that Defendants have not complied with the court's orders, we do not object to your proposal to add this topic to the agenda for the May 14 hearing. In any case, from your email below, we understand now that you prefer to file your own agenda instead of providing edits/revisions to the draft proposal we previously forwarded to you. We will go ahead and file a separate proposed agenda in accordance with the court's order.

Thanks again,

Winston

Winston Hu

Associate Attorney

Winston & Strawn LLP

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From: F L <frank.liu.96@gmail.com>
Sent: Wednesday, May 7, 2025 2:23 PM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: Confer call for joint proposed agenda

Mr. Hu,

Respectfully, I will assume you played a part in drafting the joint proposed agenda document because you emailed it to me. You re-worded and condensed the topic in a way that appears to suggest I had questions about Defendants' compliance. The wording stripped out the details in what I originally wrote, such as Nielsen's refusal to provide Plaintiff the Sedgwick NJ workers' compensation claim notes. There is no question that Defendants are continuing to refuse to fully comply with Court Order ECF 106.

If you can recall, on March 10, 2025, you left me a voice message requesting I speak with you regarding Defendants' pending motion to continue the stay of discovery. After receiving the voice message, I treated you with respect by promptly calling you back that very same day.

If you recall, I did agree to your request to continue the stay of discovery until April 23, 2025. Moreover, on the call, I brought up the subject that Defendants have not fully complied with the court order granting my motion to compel. You asked me to email you about it. On March 12, I forwarded you an email that was previously sent to Ms. McCann and Ms. Spangler regarding the subject. Here is a screenshot of the email:

F L <frank.liu.96@gmail.com>
to whu ▾
Hi Winston,

I got your voice message. I tried to forward this email on March 10 during our call. Hopefully this email works now.

Thank you.

----- Forwarded message -----
From: F L <frank.liu.96@gmail.com>
Date: Fri, Sep 6, 2024, 4:39 PM
Subject: Re: Regarding ECF 105, and if Defendants will provide me my Sedgwick NJ Workers Compensation Files now
To: McCann, Caitlin <CMcCann@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>

Ms. McCann,

I believe there are documents in Defendants' possession regarding my workers compensation claims that were not included in the PDF that Ms. Ann Newman emailed to me on August 23, 2024.

As a reminder, the Court Order (ECF 106) states, "Defendants are directed to produce to Plaintiff his worker's compensation files in their possession by August 23, 2024."

Mr. Hu, I believe you left out important details in the joint proposed agenda compared to what I had written on May 5, 2025:

4. Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)

Despite my numerous attempts to confer in good faith, it has become clear that perhaps you and/or Ms. Spangler never intended to confer with me at all. This is unfortunate, especially when I reached out on April 25, 2025 to set up a day and time to confer. It is now May 7, 2025.

Perhaps Nielsen's attorneys believe they alone have the power to decide when conferral is needed or not.

Spangler, Cardelle Apr 30, 2025, 8:00 AM (7 days ago) ☆ ☺ ↵ :

to me, Winston ▾

Mr. Liu,

Please send us your proposed agenda. We will review and provide our proposed edits/additions.
We then can determine if there is need for a call. Thanks.

Cardelle

Spangler, Cardelle

to me, Winston ▾

May 5, 2025, 1:14 PM (2 days ago) ⭐ 😊 ← ⋮

Mr. Liu,

First, Mr. Hu is authorized to discuss this matter with you. Second, there is not anything to confer about until we receive your draft agenda. Once we receive it, we will determine if a call is necessary. Thank you.

Cardelle

Hu, Winston

to me, Cardelle ▾

11:52 AM (2 hours ago) ⭐ 😊 ← ⋮

Hi Frank,

We've incorporated your suggested agenda items into the attached. To the extent you'd like to make any edits or additions, feel free to do so directly in the document for us to consider. Once the attached is finalized and we have your approval to file, we'll get it on file with the court. We don't see any other issues we'll need to confer about at this time.

...

Respectfully, I do not appreciate the way you and Ms. Spangler are treating me. It does appear you are running out the time (due date is today), and never had any intention to confer with me.

Your last email requested I tell you what the recent development is so that you and Ms. Spangler can properly access whether a meet and confer call is required. Here is a screenshot:

Regarding your request to further meet and confer, can you give us a brief description of what the "recent development" entails so that we can properly assess whether a meet and confer call is required?

Mr. Hu, I wanted to confer with either you or Ms. Spangler in good faith. I do not agree to your proposed joint agenda. It is clear that Defendants aren't treating me with the same respect I treat you. I am going to speak to attorneys tomorrow. Feel free to file whatever you want to file as a separate proposed agenda because you do not have my consent to file what you have drafted.

Thank you.

On Wed, May 7, 2025 at 12:57 PM Hu, Winston <WHu@winston.com> wrote:

Hi Frank,

The last item on the agenda ("Other Matters") includes your request to discuss Defendants' compliance with the Court's Order regarding production of your worker's compensation files

Other Matters

- a. Defendants' Position. None.

b. Plaintiff's Position. Plaintiff further wishes to discuss questions related to "equitable estoppel" and "equitable tolling" and Defendants' compliance with the Court's Order regarding production of Plaintiff's worker's compensation files.

Let me know if that is sufficient for you or if you'd like to make any edits to that language. If your fine with the language, please confirm we have your approval to file.

Regarding your request to further meet and confer, can you give us a brief description of what the "recent development" entails so that we can properly assess whether a meet and confer call is required?

Many thanks,

Winston

Winston Hu

Associate Attorney

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**WINSTON
& STRAWN
LLP**

From: F L <frank.liu.96@gmail.com>
Sent: Wednesday, May 7, 2025 12:02 PM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: Confer call for joint proposed agenda

Mr. Hu,

I think you left out the part regarding: "Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)"

I hope you and Ms. Spangler can agree that I have tried several times to set up a day and time to confer. Moreover, I would like to confer with either you or Ms. Spangler regarding a recent development. Can I please confer with one of you today, if that is OK?

Please let me know as soon as possible today when either you or Ms. Spangler can confer with me. Thank you.

On Wed, May 7, 2025, 11:52 AM Hu, Winston <WHu@winston.com> wrote:

Hi Frank,

We've incorporated your suggested agenda items into the attached. To the extent you'd like to make any edits or additions, feel free to do so directly in the document for us to consider. Once the attached is finalized and we have your approval to file, we'll get it on file with the court. We don't see any other issues we'll need to confer about at this time.

Many thanks,

Winston

Winston Hu

Associate Attorney

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From: F L <frank.liu.96@gmail.com>
Sent: Wednesday, May 7, 2025 11:44 AM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: Confer call for joint proposed agenda

Mr. Hu and/or Ms. Spangler,

Is there a good time later today to confer?

Please let me know. Thank you

On Wed, May 7, 2025, 11:39 AM Hu, Winston <WHu@winston.com> wrote:

Hi Frank,

We've prepared the attached draft joint proposed agenda for your review. Please let us know your edits/changes and/or if we have your permission to file.

Thanks,

Winston

Winston Hu

Associate Attorney

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From: F L <frank.liu.96@gmail.com>
Sent: Monday, May 5, 2025 2:29 PM
To: Spangler, Cardelle <CSpangler@winston.com>
Cc: Hu, Winston <WHu@winston.com>
Subject: Re: Confer call for joint proposed agenda

Ms. Spangler and Mr. Hu,

I would like to confer with one of you **as soon as possible** regarding the following:

1. Because no pro bono lawyer has reached out to Plaintiff to represent him for this lawsuit so far, Plaintiff proposes discovery to start following the May 14, 2025 Status Conference (even if Plaintiff does not have a lawyer representing him). Plaintiff believes 270 days to conduct discovery would be ideal, so proposes discovery be allowed to begin following the May 14, 2025 status conference, and for discovery to last until Monday, Feb. 9th, 2026. Plaintiff requests if depositions are scheduled, they are conducted virtually via Zoom, Google Hangouts, or a similar service.
2. Regarding status of settlement discussions, prior to the April 23, 2025 pre-settlement conference calls, Plaintiff and Mr. Hu have conferred for several hours regarding the topic of settlement. On April 12, Mr. Hu requested Liu email Mr. Hu an Option A and Option B offer, which Plaintiff did so. On April 23 the parties attended the pre-settlement conference calls with Judge Wang. To date, Mr. Hu has not responded back to Liu's emailed Option A and Option B offers. Due to these circumstances, Plaintiff does not believe an amicable and fair resolution can be reached between the parties, so the lawsuit should progress to discovery because settlement does not seem possible.
3. Because Defendants allege in their ECF 135 filing that equitable estoppel was granted to Plaintiff, and Plaintiff believes equitable tolling was granted, Plaintiff would like the Court to clarify which was granted so there is no confusion between the parties.
4. Plaintiff is still waiting for Nielsen to fully comply with Court Order ECF 106. (Eg. Nielsen continues to refuse to provide Plaintiff the Sedgwick NJ workers' compensation claim notes, which are notes that Sedgwick employee(s) made in Liu's workers compensation case in their system, which can be exported to PDF format and emailed to Plaintiff.)

Ms. Spangler and/or Mr. Hu, please get back to me **as soon as possible** with a date and time that I can confer with one of you.

Thank you.

On Mon, May 5, 2025 at 1:14 PM Spangler, Cardelle <CSpangler@winston.com> wrote:

Mr. Liu,

First, Mr. Hu is authorized to discuss this matter with you. Second, there is not anything to confer about until we receive your draft agenda. Once we receive it, we will determine if a call is necessary. Thank you.

Cardelle

From: F L <frank.liu.96@gmail.com>
Sent: Monday, May 5, 2025 2:43:55 PM
To: Hu, Winston <WHu@winston.com>
Cc: Spangler, Cardelle <CSpangler@winston.com>
Subject: Re: FW: Confer call for joint proposed agenda

Ms. Spangler,

Since you are the lead attorney, please let me know when we can confer as soon as possible.

Thank you.

On Mon, May 5, 2025, 12:36 PM F L <frank.liu.96@gmail.com> wrote:

Mr. Hu,

When can we confer?

On Mon, May 5, 2025 at 12:04 PM Hu, Winston <WHu@winston.com> wrote:

Good afternoon Frank,

Thanks for your e-mail. The following is our preliminary, proposed agenda for the May 14 conference:

1. Status of settlement discussions
2. Status of pro bono counsel for Plaintiff, including Defendant's position that discovery should be stayed until such appointment.
3. Discovery procedure and schedule after appointment of pro bono counsel for Plaintiff

Please let us know if you have any topics you'd like to propose as well.

Many thanks,

Winston

Winston Hu

Associate Attorney

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From: F L <frank.liu.96@gmail.com>
Sent: Wednesday, April 30, 2025 8:09 AM
To: Spangler, Cardelle <CSpangler@winston.com>
Cc: Hu, Winston <WHu@winston.com>
Subject: Re: Confer call for joint proposed agenda

Ms. Spangler,

It is a joint proposed agenda that is due on May 7. I request to confer to see if we can reach an agreement on the terms that works for the parties. I am not a mind reader and do not know what terms your clients want.

I do not currently have a proposed agenda because it is supposed to be a "joint" proposed agenda, and I believe we need to confer in good faith to see if the parties can reach an agreement for a discovery plan. Should Defendants refuse to confer, I will let the Court know via a letter so perhaps the Court can intervene and compel the parties to confer in good faith.

Please get back to me as soon as possible when we can confer.

Thank you.

On Wed, Apr 30, 2025, 8:00 AM Spangler, Cardelle <CSpangler@winston.com> wrote:

Mr. Liu,

Please send us your proposed agenda. We will review and provide our proposed edits/additions. We then can determine if there is need for a call. Thanks.

Cardelle

From: F L <frank.liu.96@gmail.com>
Sent: Tuesday, April 29, 2025 12:29 PM
To: Spangler, Cardelle <CSpangler@winston.com>; Hu, Winston <WHu@winston.com>
Subject: Re: Confer call for joint proposed agenda

Ms. Spangler,

Please get back to me.

Thank you.

On Fri, Apr 25, 2025, 11:21 AM F L <frank.liu.96@gmail.com> wrote:

Ms. Spangler,

What is a good day and time for you to confer with me regarding the joint proposed agenda that is due by May 7?

Please let me know. Thank you.

The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.

Exhibit respectfully submitted,

A handwritten signature in black ink that reads "Frank Liu". The signature is fluid and cursive, with "Frank" on top and "Liu" below it.

Dated 5/7/2025

Frank Liu

Pro Se Plaintiff